

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ARTHUR LEE JONES,)	
)	
Petitioner/Defendant,)	
)	CIVIL NO. 07-cv-086-DRH
vs.)	
)	CRIMINAL NO. 96-cr-30059
UNITED STATES of AMERICA ,)	
)	
Respondent/Plaintiff.)	

MEMORANDUM AND ORDER

HERNDON, District Judge:

Before the Court is Petitioner's application for certificate of appealability (Doc. 5), to challenge the Order of this Court denying his motion under 28 U.S.C. § 2255. Pursuant to 28 U.S.C. § 2253, a certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." Further, Section 2253(c)(3) provides: "The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2)."

The Court denied Petitioner's section 2255 motion because it was an unauthorized second or successive petition, and the Court lacked jurisdiction to entertain it (Doc. 3). Petitioner's motion for issuance of a certificate of appealability states that this Court erred when it dismissed his 28 U.S.C. § 2255 motion, however nothing in the motion convinces the Court that its ruling dismissing the petition for lack of jurisdiction was incorrect, or that this finding is debatable among jurists.

Therefore, the Court finds that Petitioner has not made a substantial showing of the denial of any constitutional right. Accordingly, Petitioner's motion for issuance of a certificate of

appealability (Doc. 5) is **DENIED**.

IT IS SO ORDERED.

DATED: April 25, 2007

/s/ David RHerndon
DISTRICT JUDGE